

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/432,434 04/28/95 PECK

A UF141.C1

DARIO

18M2/0328
DAVID R SALIWANCHIK
2421 N W 41ST STREET
SUITE A 1
GAINESVILLE FL 32606-6669

ART UNIT 6 PAPER NUMBER

1808

DATE MAILED: 03/28/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined *for restriction purposes only.* Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-25 are pending in the application.
2. Claims _____ are withdrawn from consideration.
3. Claims _____ have been cancelled.
4. Claims _____ are allowed.
5. Claims _____ are rejected.
6. Claims 1-25 are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received, not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1835 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-16 and 20, drawn to a method for the *in vitro* growth of stem cells, the islet cells and islet-like tissue structure produced therefrom, and a method for producing an endocrine hormone, classified in Class 435, subclass 240.2.

II. Claims 17, 19, and 21-23, drawn to a method for producing a pancreas-like organ and the pancreas-like organ produced therefrom, classified in Class 424, subclass 93.7 and Class 435, subclass 1, respectively.

III. Claim 18, drawn to a method for treating pancreatic disease, classified in Class 424, subclass 93.7.

IV. Claims 24-25, drawn to a mammal, classified in Class 800, subclass 2 and Dig. 5.

The inventions are distinct, each from the other because of the following reasons:

The several inventions above are independent and distinct, each from, the other, as they have acquired a separate status in the art as a separate subject for inventive effect and require independent searches. Group I relates to methods of growing cells *in vitro*, whereas, Groups II, III and IV are drawn to methods of producing organs *in vivo*. The method steps in each of Groups I, II and III are materially and therapeutically different. Furthermore, the products of Groups I, II and IV are patentably distinct as well.

Because these inventions are distinct for the reasons given above and the search required for each of the individual Groups is not required for the others, especially with

regard to the non-patented literature searches, restriction for examination purposes as indicated is proper.

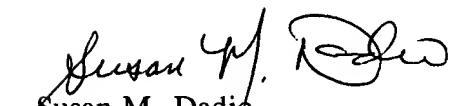
Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Susan M. Dadio whose telephone number is (703) 308-2392. The fax phone number for Art Unit 1808 is (703) 305-7401.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.


CHHAYA D. SAYALA
PRIMARY EXAMINER
GROUP 1800


Susan M. Dadio
March 27, 1996